

**REMARKS**

**Status of the Application**

Claims 1-29 are the claims that have been examined in the present application. Claims 1-8 and 16-29 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 9-15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and stand rejected under 35 U.S.C. § 102(e) as being anticipated by Berhan (U.S. Patent Application Publication No. 2005/0013448).

**§ 112 Rejections**

*A. Claims 1-8 and 16-29 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.*

First, the Examiner states that the specification does not provide support of an obtaining device or other like device/circuit which obtains or receives "only" reproduction control information or control information. Applicants have amended claims 1, 7 and 16 to correct the noted deficiency.

Second, the Examiner states that the specification does not provide support for a claimed corresponding information generating device. Applicants respectfully submit that the specification provides sufficient support for a corresponding information generating device. Page 20, lines 25-26 of the specification clearly describes a non-limiting example in which music list information corresponding to "correspondence information" is generated by CPU 6.

Therefore, the specification provides proper support for the claimed corresponding information generating device.

Withdrawal of the rejection is hereby respectfully requested.

*B. Claims 9-15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Specifically, the Examiner states that the difference between the audio information reproducing apparatus and the reproducing device is unclear. Applicants have corrected the noted deficiency. Withdrawal of the rejection is hereby respectfully requested.

**§102 Rejection**

*Claims 9-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Berhan (U.S. Patent Application Publication No. 2005/0013448).*

The Examiner argues that Berhan discloses the features of claims 9-15. Applicants respectfully disagree.

In Berhan, all controls and processing are conducted within the control unit 114 formed in a single body. Berhan is based on the premise that there are circumstances where a user can conduct a complex edit processing.

In claim 9, the audio information reproduction controlling system comprises an audio information processing apparatus; a generating apparatus separate from the audio information processing apparatus; and a transferring device which is provided separately from the audio information processing apparatus and the generating apparatus. The generation of the reproduction control information is conducted by the generating apparatus, and then the audio

information processing apparatus obtains the generated reproduction control information from the generating apparatus via transferring device.

The above aspects of claim 9 are not disclosed, taught, or suggested in Berhan. In Berhan, all of extracting, reproducing, and editing controls are conducted by a single control unit 114.

Further, Berhan does not disclose the correspondence information corresponding to each of the plurality of unit information, and also includes partial music information which is a part of each music composition.

Berhan merely extracts music data from a CD and makes the user listen to music data. It is unnecessary for Berhan to generate information, such as "correspondence information," including partial music information which is a part of each music composition. Berhan directly extracts music data from a CD and directly edit the music data.

On the other hand, in claim 9, the audio information processing apparatus is provided separately from the generating apparatus. Therefore, correspondence information is transferred to the generating apparatus from the audio information processing apparatus, so that the reproduction control information is generated by the generating apparatus on the basis of the correspondence information. Then the music composition is reproduced in the order indicated by the reproduction control information in the audio information processing apparatus. These aspects are not disclosed, taught, or suggested in Berhan.

Moreover, Berhan does not disclose the generating apparatus which generates the reproduction control information on the basis of the partial music information so that the

reproduction control information includes information indicating an order of reproduction of music compositions.

Thus, aspects of claim 9 are not disclosed, taught, or suggested in Berhan, and claim 9 is patentable over the applied art.

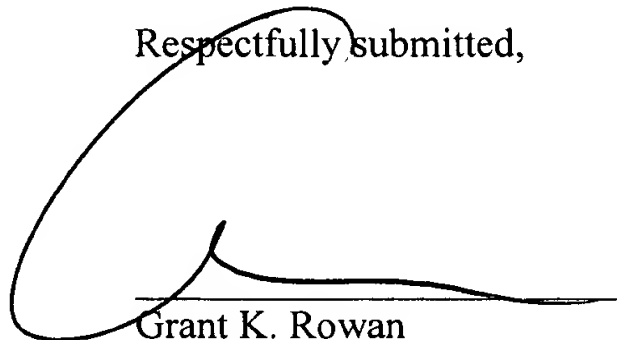
Claims 10-15 are patentable at least by virtue of their dependency from claim 9.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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